IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2548 of 2001

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

PARVATIBEN PARSHURAM NARAYANKAR - Petitioner(s)

Versus

PAYAL PLASTIC INDUSTRIES - Respondent(s)

==========

Appearance :

MR TR MISHRA for Petitioner(s) : 1,
MR BC DAVE for Respondent(s) : 1,
MR PP KASVALA for Respondent(s) : 1,

==========

CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 10/10/2005

ORAL JUDGMENT

1. In the present petition, the petitioner has challenged the legality of an award dated 30th March, 2000

passed by Labour Court, Ahmedabad. Before the Labour Court, the petitioner had approached by filing a Reference (LCA) No. 2301/95 complaining about her illegal termination by the respondent. Before the Labour Court respondent did not oppose the reference. No reply was filed to the statement of claim. Petitioner examined herself as a witness. No cross-examination was taken. Despite this, Labour Court rejected the reference on a short ground that the petitioner was not clear about her date of termination. In response to the notice issued by this Court, respondent have been represented by learned advocate Mr. B.C.Dave.

2. Considering the facts and circumstances of the case namely that the reference of the petitioner was not opposed by the respondent, despite it the same came to be rejected. At the same time the respondent have now participated in the proceedings and would like to oppose the reference. In fitness of things, I find it appropriate that both sides should have fresh opportunity to agitate their contentions. For the above purpose impugned award is set aside. Proceedings are remanded back to the Labour Court for fresh consideration on merits. Learned advocate for the respondent agrees to

appear before the Labour Court without fresh notice. Labour Court may consider expediting the proceedings upon remand. With these directions, petition is disposed of. Rule is made absolute to the above extent. No order as to costs.

(Akil Kureshi, J.)

smita/